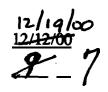


CITY OF HAYWARD AGENDA REPORT.

AGENDA DATE
AGENDA ITEM
WORK SESSION ITEM



TO:

Mayor and City Council

FROM

City Manager

SUBJECT:

Route 238 Bypass Contingency Plan

RECOMMENDATION:

It is recommended that the City Council authorize staff to:

- 1. Send a letter to the Federal Highway Administration requesting the FHWA to forthwith issue its Record of Decision;
- 2. Distribute a Request for Proposals for professional services to evaluate the Route 238 contingency alignment described in this report;
- 3. Seek funding from the Alameda County Transportation Authority and the County of Alameda in support of the foregoing consultant services.

BACKGROUND/DISCUSSION:

As the City Council is aware, earlier this year, the Final Environmental Impact Statement/Report (FEIS/R) for the Route 238 Bypass was issued, and a comment period provided. Standard procedures call for the FHWA to review the comments, and subsequently issue what is called a Record of Decision (ROD). The ROD is intended to summarize and respond to the comments, and provide an explanation for the decision rendered by the FHWA. As of **this** writing, the ROD has not been issued, and there is no known date for it to be issued. (Staff understands that federal law does not establish deadlines with regard to the release of a ROD.)

Although a ROD would normally signal project implementation within a foreseeable timeframe, this does not appear to be the case with respect to the Route 238 project. Not only is the project the subject of litigation with regard to Measure B funding, but the Consent Decree (Revised) executed in 1990 left the door open for potential litigation regarding the **FEIS/R** and several related issues.

In light of the present lawsuit and the possibility of additional lawsuits in the future, it would seem prudent to develop a contingency plan that both addresses the underlying **traffic** problem and also avoids the potential loss of Measure B funds. It is in this spirit that this report is presented to the Council.

As we know all too well, the proposed Route 238 Bypass has a long and controversial history, the result of which is that construction has not commenced. While Route 238 proponents and opponents have many reasons for their positions, in the meantime Hayward continues to experience significant traffic problems. Moreover, so long as the current intense and vocal differences of opinion regarding the project remain unresolved, it appears that the serious traffic problems facing Hayward will not be alleviated anytime soon.

The proposed Bypass has certain features that some consider detrimental to the community, including increased traffic, loss of affordable housing, elevated structures, encroachment into older established neighborhoods, and loss of open space. At the same time, others believe that the Bypass offers the potential to further the revitalization of the downtown by removing traffic from Mission and Foothill Boulevards, while also providing direct and convenient access to California State University, Hayward.

The challenge, then, is to determine if a project alignment can be identified that minimizes the controversial features associated with the preferred alternative, while preserving its beneficial elements. Accordingly, Exhibit A depicts a new alignment in the hope of serving this purpose.

Like Stage 1 of the Route 238 preferred alternative, the new suggested alignment is a four-lane facility. It differs from the preferred alternative, however, in terms of its configuration and route. Modeled after D Street and Hayward Boulevard in terms of its width, the suggested new alignment is located slightly east of both Foothill and Mission Boulevards. The alignment is largely at-grade for most of its length, but does include a small segment (0.6 mile) where a tunnel is proposed. Beginning at I-580 and continuing to about City Center Drive (north), the roadbed is at-grade. Thereafter, until about D Street, the roadbed would be underground in a tunnel, with a greenbelt as its 'cover." At approximately D Street, the roadbed would be once again above ground, at-grade, and continue in this fashion until its terminus at Harder Road.

At first glance, it appears the new alignment could provide the same traffic capacity as is found in the proposed Bypass, without many of its controversial features. On the other hand, because this alignment has not been studied, it may contain elements that are infeasible or undesirable. Further, it is possible that, from a cost standpoint, it may not compare favorably to the present project.

To date, because the new alignment has been formulated simply at a conceptual level, there is insufficient information to determine if it fulfills the underlying objective of alleviating traffic congestion in Hayward. Accordingly, staff believes it is appropriate to retain consultant services to address and evaluate many of the engineering, technical and environmental challenges related to the new alignment. More importantly, the information developed through

challenges related to the new alignment. More importantly, the information developed through such a process will be essential in determining if the new alignment merits further consideration.

To be clear, the Council is not being asked to endorse a new alignment. Rather, the Council is being asked to consider the new alignment as nothing more than the equivalent of a contingency alignment that can be utilized to both address a major traffic problem and also safeguard Measure B funds, in the event the present Bypass does not proceed to implementation. To this end, staff requests authorization to release a Request for Proposals (RFP) to retain professional services to evaluate the contingency alignment. If authorized, the RFP would be distributed this month to qualified transportation and engineering firms. It is anticipated that staff would propose a recommended firm in late January. This study will be initiated shortly thereafter, with completion expected to take about one year.

While the RFP is in circulation, staff proposes to approach both the Alameda County Transportation Authority and the County of Alameda to explore their willingness to help fund this study, inasmuch as both entities are involved with the present project. A favorable response will allow the interests of the three entities (ACTA, City, County) to be properly considered.

Finally, although the proposed study will evaluate a new alignment, staff is not suggesting that this should interfere or impede processing of the **FEIS/R**. Indeed, staff believes it is appropriate to communicate with the FHWA to urge it to issue forthwith its Record of Decision. Certainly, the FHWA has had more than sufficient time to consider the various comments submitted by interested parties earlier this year. It is time for the FHWA to issue its ROD and allow the remaining steps in the process to unfold.

Jesus Armas, City Manager

Attachment: Exhibit A

HAYWARD CITY COUNCIL

RESOL	LUTION	NO.	

Introduced by Council Member____

RESOLUTION REGARDING ROUTE 238 BYPASS
CONTINGENCY PLAN AUTHORIZING STAFF TO
SEND A LETTER TO THE FEDERAL HIGHWAY
ADMINISTRATION; TO DISTRIBUTE A REQUEST FOR
PROPOSALS FOR PROFESSIONAL SERVICES FOR A
STUDY OF THE PLAN; AND TO SEEK FUNDING FROM
ALAMEDA COUNTY TRANSPORTATION AUTHORITY
AND ALAMEDA COUNTY IN SUPPORT OF THE STUDY

WHEREAS, the proposed Route 238 Bypass has a considerable history and has been a controversial project for many years and to date construction has not commenced; and

WHEREAS, the Council reaffirms its commitment to the 238 Bypass as required by the voter approved amendments to the City's General Policies Plan contained in Measure L; and

WHEREAS, differences of opinion remain unresolved while Hayward continues to experience significant traffic problems and staff recommends that a proposed new alignment be evaluated as a contingency project that can be utilized to address major traffic problems as well as safeguard Measure B funds in the event the present Route 238 Bypass project does not proceed to implementation; and

WHEREAS, a proposed study to evaluate a new alignment will not interfere or impede processing of the Final Environmental Impact Report for the Route 238 Bypass and staff believes it is appropriate to communicate with the Federal Highway Administration to urge it to issue forthwith its Record of Decision and allow the remaining steps in the process to unfold; and

WHEREAS, staff proposes that both the Alameda County Transportation Authority and the County of Alameda be approached to explore their willingness to help fund this study inasmuch as both entities are involved with the present project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes staff to send a letter to the Federal Highway Administration requesting that its Record of Decision be issued forthwith.

BE IT FURTHER RESOLVED that staff is authorized to distribute a Request for Proposals for professional services to evaluate a proposed Route 238 new alignment as a contingency project and seek support from the Alameda County Transportation Authority and the County of Alameda. to fund the consultant services for the study.

IN COUNCIL, HAYWARD, CALIFORNIA_	, 2000
ADOPTED BY THE FOLLOWING VOTE:	
AYES:	
NOES:	
ABSTAIN:	
ABSENT:	
AT	City Clerk of the City of Hayward
APPROVED AS TO FORM:	
City Attorney of the City of Hayward	

Due to the size, type or quality of the attachments, they are not scanable and therefore are not available for website viewing. The report, in its entirety, is available in the City Clerk's Office, Planning Division, and at the Main Library.